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OFFICE OF PETITIONS

In re Application of
David Abkowitz et al.
Application No. 09/773,982
Filed: January 31, 2001
Attorney Docket No. 50277-0386

**DECISION ON PETITION
UNDER 37 CFR 1.137(B)**

This is a decision on the petition under 37 CFR 1.137(f), filed June 10, 2003, which is being treated as a petition under 37 CFR 1.137(b), to revive the instant non-provisional application.

The petition is Granted.

Petitioner states that the instant nonprovisional application is the subject of a counterpart international application filed on February 22, 2001. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the international application.

In view of the above, this application became abandoned pursuant to 35 U.S.C. 122(b) (2) (B) (iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122 (b) (2) (B) (i) has been rescinded.

The application file is being forwarded to Technology Center AU 2157 for examination in due course.

Telephone inquiries regarding this decision should be directed to Latrice Bond at (703) 308-6911.



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